

### **REMARKS**

By the non-final *Office Action* of 15 March 2005, Claims 1-53 are pending in this Application, and all stand rejected. By the present *Response and Amendment*, Applicant amends Claims 1, 13, 24, 25, 36, 43, 50, and 53 to clarify Applicant's claimed invention.

Applicant files this *Response and Amendment* in an effort to move this case to allowance. No new matter is believed introduced by the present *Response and Amendment*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

#### **1. Docket Number and Change in Correspondence Address**

Applicant respectfully requests the docket number of this Application be changed from 081607-1230 to STAT1230. This Application has been transferred to a new law firm, and its docketing procedures utilize this new docket number. A *Request to Withdrawal as Attorney* was filed on 27 September 2004 transferring this Application to the new firm. Applicant submits A *Revocation and Appointment of Power of Attorney* and a *Change of Correspondence Address* authorizing practitioners associated with Customer No. 006980 to prosecute this Application.

#### **2. The Pending Claims**

Applicant amends independent Claims 1, 13, 24, 25, 36, 43, 50, and 53 to clarify Applicant's claimed invention. Applicant submits that the clarifying amendments do not introduce any new matter and are disclosed in at least Page 8, Lines 3-8 and FIG. 1 of the originally filed Application. Applicant amends these claims to reflect that Applicant's currently claimed invention can transmit pollution information through one or more transceivers coupled to a detector configured to detect pollution or originate pollution information messages. Such a feature enables a transceiver associated with a pollution detector to communicate with a controller through an intermediate transceiver also associated with a pollution detector. Applicant respectfully asserts that the cited references, either individually or collectively, do not teach or fairly suggest such a feature.

#### **3. The Nonstatutory Double Patenting Rejection**

The Examiner rejected Claims 1-53 under the judicially created doctrine of double patenting over Claims 1-93 of U.S. Patent No. 6,671,586. In response, Applicant submits a

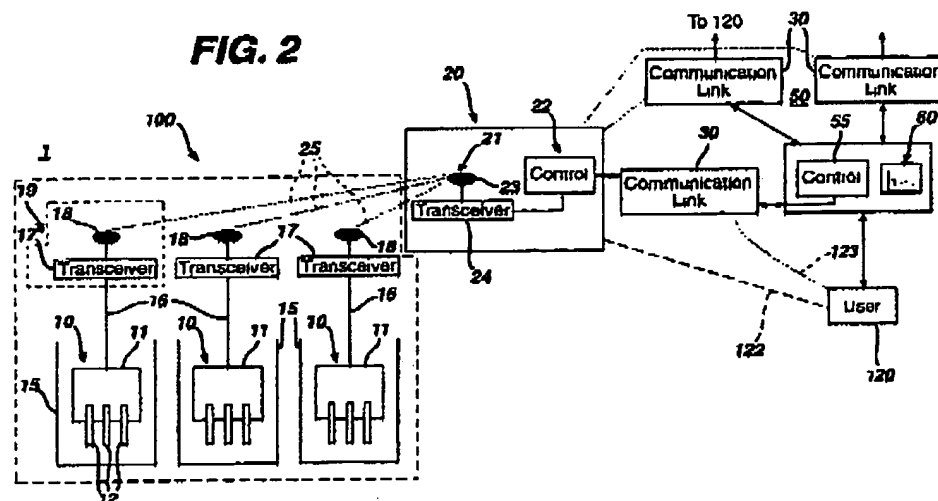
terminal disclaimer to overcome the nonstatutory double patenting rejection.

By submitting the terminal disclaimer, Applicant does not concede that the Examiner's rejection is properly based. Applicant submits the terminal disclaimer solely to advance prosecution of the Application. Applicant also respectfully asserts that the filing of the terminal disclaimer does not act as an admission, acquiescence, or estoppel on the merits of obviousness-type double patenting rejection asserted by the Examiner.

#### 4. The Sivavec et al. and Ayerst et al. Rejection

The Examiner rejects Claims 1-53 under 35 U.S.C. § 103(a) as being unpatentable over Sivavec et al. (US Patent No. 6,491,828) ("Sivavec") and Ayerst et al. (U.S. Patent No. 6,069,886) ("Ayerst"). Applicant respectfully traverses the § 103 rejection and respectfully asserts that Claims 1-53, as amended, are allowable over the cited combination.

Sivavec discloses a method and system to remotely monitor groundwater treatment. As shown below (FIG. 2), Sivavec uses multiple stationary monitoring wells (15) to monitor groundwater. A communications unit (19) is coupled to each module (10), and transmits data corresponding to groundwater characteristics to the data collection center (20) with a transceiver (17). The data collection center (20) receives the transmitted data (25) with a transceiver (24).



Importantly, however, the communications units (19) do not receive information from other communication units (19) or communicate with other communication units (19). This method of direct communication between transceivers (17) and the data collection center

(20) is shown by the signals (25). In addition, the communication units (19) do not provide repeated data to the data collection center (20) that originates from another communication unit (19). Thus, Sivavec does not teach or disclose at least one network transceiver coupled to a second detector configured to detect pollution such that the pollution information message from the transceiver is received and transmitted by the at least one network transceiver coupled to the second detector, or a series of transceivers, wherein at least two transceivers in the series of transceivers are associated with a pollution detector, as claimed by Applicant.

Similarly, Applicant respectfully asserts that Ayers fails to teach or suggest Applicant's currently claimed invention. Ayers discloses a system controlled asymmetrical automatic repeat request protocol used in a paging system. Not only does Ayers not cure the deficiencies of Sivavec, Ayers is not analogous art to Applicant's currently claimed invention because it is not directed in the field of Applicant's claimed invention and is not reasonably pertinent to the particular problems with which Applicant's currently claimed invention addresses. For example, Applicant's claimed invention is directed to generating and transmitting pollution information through an integrated wireless communication network and Ayers is primarily directed to an asymmetrical repeat request communications protocol for a paging system. Ayers discloses a very specific paging system communications protocol; as such, one of ordinary skill in the art to which Applicant's claimed invention is directed would not have turned to Ayers to produce Applicant's claimed invention.

Applicant also respectfully asserts that Applicant's claimed invention is patentable over the cited combination for additional reasons. The cited references do not teach or suggest the subject matter of Claims 12, 16, 35, 37, 39, and 40. For example, the cited portion of Sivavec does not teach or suggest the "power line carrier signal" feature of Claim 12 or the "mobile detector" feature of Claim 35. Regarding Claim 35, the cited portion of Sivavec teaches away from mobile detectors as the sensor module (10) is "disposed in" stationary ground water wells. (Sivavec, Column 4, Lines 47-48). Similarly, the other cited portions of the cited references fail to teach or suggest the subject matter of Claims 16, 37, 39, and 40.

There are still yet other reasons why Applicant's claimed invention is patentable over the cited combination. Indeed, the references teach away from Applicant's claimed invention, and thus can not substantiate the § 103 rejection. Neither Sivavec or Ayers teach or suggest using multiple transceivers associated with pollution detectors in a communication path, or multiple

transceivers associated with pollution detectors capable of communicating with each other.

Further, the Examiner cites no suggestion, teaching, or motivation to combine the cited references to yield Applicant's claimed invention. Indeed, the references themselves are silent to such. Applicant respectfully asserts that the Examiner fails to even provide a reason for combining the references; merely asserting that it would have been obvious to combine Ayers into Sivavec does not satisfy the Examiner's burden of providing a *prima facie* case of obviousness. Neither has the Examiner provided any reasonable expectation of success that Applicant's claimed invention would result from the cited combination.

Accordingly, Applicant respectfully submits that amended Claims 1, 13, 24, 25, 36, 43, 50, and 53 are patentable over the cited combination. Applicant also respectfully submits that the dependent claims are also allowable for the further limitations contained therein. Withdrawal of the § 103 rejection is respectfully requested.

#### 5. Fees

Applicant believes no claims fees are due, as the total number of Claims, and independent Claims, is equal to the number of Claims paid for upon filing this Application.

This *Response and Amendment* is being filed within six months of the *Office Action*. Thus, Applicant submits herewith a petition for a three-month extension, the three-month extension fee, and the terminal disclaimer fee. The Commissioner is authorized to charge the small-entity, three-month extension fee (\$510) and the small-entity, statutory terminal disclaimer fee (\$65) to Deposit Account No. 20-1507.

No other fees are believed due. Authorization to charge Deposit Account No. 20-1507, however, is given herein should additional fees be due.

**CONCLUSION**

By the present *Response and Amendment*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any questions or reservations, the Examiner is invited to telephone the undersigned Attorney, Hunter Yancey, at 404.885.3696.

Respectfully submitted,

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